

REMARKS

This Amendment is in response to the Office Action mailed July 3, 2002. In the Office Action, the Examiner objected to the Drawings, objected to the specification, and rejected claims 1-20 under 35 U.S.C. § 103. No amendments have been made to existing claims and no claims have been added. Claims 1-20 remain pending in the application. Reconsideration in light of the remarks made herein is respectfully requested.

Drawings

The Draftsperson objects to the drawings as noted in the form PTO 948. Applicants will postpone submission of formal drawings until the application is allowed.

Since the drawings are acceptable for examination purposes, Applicants will postpone submission of formal drawings until the application is allowed.

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over the cited publication by Farris ("Farris"), U.S. Patent No. 6,064,653, in view of Boese et al. ("Boese"), U.S. Patent No. 5,084,816.

Applicants respectfully traverse.

The Office has the burden under 35 U.S.C. 103 to establish a *prima facie* case of obviousness. The cited reference (or references when combined) must teach or suggest all the claim limitations. "The teaching or suggestion to make

the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure." MPEP § 2142, p. 2100-121 (August 2001).

The Examiner stated that "It would have been obvious to one having ordinary skill in the art of the time of invention was made to transmit LSSU or MSU signaling messages of Boese in the link between the access server and the gateway . . . of Farris to" achieve Applicants' claimed invention. (Office Action mailed July 3, 2002).

Applicants submit that there is no teaching or suggestion in neither Boese nor Farris to combine them to achieve Applicants' claimed invention.

Boese recites a "network based communication system which employs a communication protocol that adaptively distributes packets on an equal basis over multiple physical lines that connect two points within the network, such as an SCP and a signaling transfer point (STP)" (Boese Col. 4, line 51).

Farris recites "continuously monitoring the data traffic between two end nodes of a data internetwork." (Farris Col. 5, lines 18-20). "Calls between two end location gateway servers of the data internetwork can be diverted, during periods of unacceptable network conditions, through the PSTN network." (Farris Col. 5, lines 28-30).

By contrast, Applicants' claimed invention recites "an out-of-band communications medium to transmit signaling information between the telephone switch and the access server." As illustrated in Figure 2 of the application, out-of-band communications to transmit signaling information are

carried over a separate network 210, 205, and 220, rather than the convention network (110 to 111, in Fig. 1 of the application).

Farris does not teach or suggest such limitation. In Figure 2 of Farris, the dashed lines between the STPs and SSPs illustrate that, according to Farris, the SSPs must still rely on a conventional CCIS network. (Col. 6, line 60 to Col. 7, line 46) In fact, this is the same conventional out-of-band signaling system illustrated in the prior art Figure 1 of the present application. Simply put, Farris does not teach or suggest the use of an out-of-band network to transmit signaling information.

Additionally, Farris teaches away from the present claimed invention by providing a way to transmit voice communications over an internet. (See Abstract) The present invention instead permits transmitting voice communications over the public switched network (telecommunications medium) while merely rerouting the out-of-band signals over an internet or data network.

Applicants submit that since the cited prior art fails to teach or suggest the aforementioned claim limitations, claims 1-20 are in condition of allowance.

In view of the remarks above, Applicants respectfully request that the rejection of claims 1-20 under 35 U.S.C. § 103(a) be withdrawn.

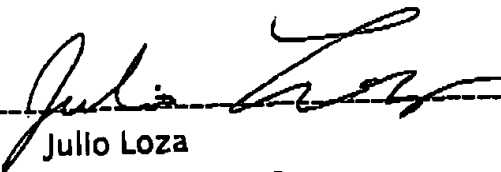
Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: December 3, 2002


Julio Loza
Reg. No. 47,758

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
(714) 557-3800

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Commissioner for Patents and Trademarks,
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Pat Sullivan

12/3/02
Date